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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,255	06/23/2000	George William McClurg	1823.0080001/MVM/LLM	8980

26111 7590 03/24/2003

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EXAMINER

NIEVES, MICHAEL A

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/599,255

Applicant(s)

MCCLURG ET AL.

Examiner

Michael A Nieves

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,8.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (hereinafter Fishbine) US Patent No. 5,467,403 in view of Geiger US Patent No. 6,154,010.

3. As per claims 1 and 10, Fishbine discloses a system comprising:

An interface charged rechargeable power supply that powers the finger print scanner during mobile use [column 4, lines 23-29, when removed from charger, it powers up and can be used to acquire images]; and a data power communication interface that couples data between the fingerprint scanner and a docking station, and that provides power to charge said interface charged rechargeable power supply [Figure 1, reference no. 32 and 34; column 3, lines 21-26].

Fishbine does not expressly disclose whereby, a dedicated plug for recharging a power supply separate from a data interface can be avoided.

However, Geiger discloses a cradle connector for communicating with a mobile computer and supplying a charging current [column 11, lines 2-6].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because they are both directed to the recharging and interfacing of an device. Using the teachings of Geiger, Fishbine would have been allowed to communicate and charge the fingerprint scanner at the same time once it was put in the cradle.

Thus, providing a user a reassurance that the fingerprint scanner would not run out of batteries while interfacing with the base station.

4. As per claim 2, the Fishbine/Geiger system substantially describes the claimed invention. Geiger discloses said interface charged rechargeable power supply includes at least one rechargeable battery [Figure 2; column 11, lines 40-49].
5. As per claims 3, 4, and 8, the Fishbine/Geiger system substantially describes the claimed invention. Geiger discloses a charging circuit that regulates the charging of said at least one rechargeable battery [column 11, lines 40-49, column 7, line 62 thru column 8, line 36].

6. As per claim 5, the Fishbine/Geiger system substantially describes the claimed invention. Geiger discloses a voltage regulator maintains a substantially constant output system voltage from the rechargeable battery during use [column 8, 3-6].
7. As per claim 6 and 7, the Fishbine/Geiger system substantially describes the claimed invention. Geiger discloses said powered interface comprising a serial interface [column 8, lines 43-52].
8. As per claim 9, the Fishbine/Geiger system substantially describes the claimed invention. Geiger discloses nickel cadmium batteries may be used [column 4, lines 23-33].

*Specification*

9. The disclosure is objected to because of the following informalities:

From 37 CFR § 1.78 (a)(2) as of June 23, 2000 which states “the international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application

Art Unit: 2185

number and international filing date and indicating the relationship of the applications.”

Appropriate correction is required.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A Nieves whose telephone number is (703) 305-7583. The examiner can normally be reached on m-f 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 304-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Nieves  
March 12, 2003

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100